

REMARKS

Claims 1-9 and 11-12 are pending in the present application.

Reconsideration on the merits is respectfully requested.

The claims are believed to be allowable for the reasons set forth herein. Notice thereof is respectfully requested.

Claim Rejections - 35 USC § 103

Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sekiguchi (US 6,485,812) in view of JP 63101463.

Sekiguchi is cited as teaching coating multiple layers of the same formulation wherein the layer contains fine inorganic particles. Sekiguchi does teach coating identical layers simultaneously in a wet-on-wet fashion but not different layers. Applicants have argued in the past that Sekiguchi does not teach coating different layers to which the Office has argued that claim 1 does not require different layers. Applicants disagree with the opinion of the Office based, at least, on the fact that

the layers have different static surface tensions and are therefore, by definition, different.

The abstract of JP 63101463, to Nunomura, is now cited as an example of wet-on-wet coating of distinct layers. A complete translation is filed herewith in an Information Disclosure Statement. The attention of the Office is drawn to the examples wherein the wet-on-wet coating refers to a coating which is applied about four minutes, or the flash time, after the previous coat. Wet-on-wet in the context of automobile paint means prior to curing not simultaneously as in the present invention.

One skilled in the art would not likely rely on Numomura to learn to coat multiple layers simultaneously since Numomura does not accomplish such a feat. Furthermore, one of skill in the art would not be expected to consult Numomura at all since the coating dynamics of spray coating and the formulations for coating metal are not indicative of the techniques and formulations typically used to form ink jet media.

Assuming, *arguendo*, that one did combine Sekiguchi and Nunomura based on a hindsight construction they would still not lead one of skill in the art to the claimed invention. The

skilled artisan would be led to either simultaneous coating of identical layers or coating the second layer after a delay equivalent to an adequate flash time. There is no teaching in either reference which would lead one of skill in the art to the present invention. Nunomura, in fact, describes the problem associated with immediate coating and never approaches simultaneous coating. It is not clear how one could accomplish simultaneous coating with a spray technique even if that was a desire. Nunomura effectively teaches against coating multiple layers simultaneously since a simultaneous coating eliminates the required flash time.

The rejection of claims 1-3 under 35 U.S.C. 103(a) as being unpatentable over Sekiguchi in view of JP63101463 is improperly based on a combination which can only be made in hindsight and, even then, leads one of skill in the art away from the present invention. Applicants respectfully request that the rejection be withdrawn.

Claims 4-6 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sekiguchi in view of JP 63101463 and further in view of Cousin et al. (US 4,554,181).

Sekiguchi and JP 63101463 are applied as above. The previous refutation of this combination of references applies equally here. In summary, the combination of Sekiguchi and JP 63101463 can only be made in hindsight and, even then, leads one away from a simultaneous wet-on-wet coating of different layers.

Cousins is cited as teaching coatings comprising the nitrogen containing cationic polymers of claims 4-5 and 9. Cousins does not provide any additional teachings which would suggest that different layers could be coated simultaneously in a wet-on-wet fashion. Furthermore, Cousins does not provide any teachings which would contradict Sekiguchi by suggesting different layers can be coated simultaneously. Cousins also provides no teachings to refute Nunomura therefore different layers would still be expected to require a flash time between coatings.

In summary, Cousins does not provide any teachings which mitigate the deficiencies of Sekiguchi and Nunomura with which it is combined. The rejection of claims 4-6 and 9 under 35 U.S.C. § 103(a) is therefore improper and removal is respectfully requested.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sekiguchi in view of JP 63101463 further in view of Cousin et al. as applied above, and further in view of Rabasco.

The rejection of claim 7 follows the reasoning of the rejection of claim 6 with the addition of Rabasco cited to teach the specific polymers recited in claim 7.

Rabasco does not provide any teachings which would suggest, or lead one of skill in the art to attempt, to ignore the teachings of Sekiguchi and JP 63101463 which lead one of skill in the art in a direction away from the presently claimed invention.

Even if Rabasco were relied on one of skill in the art would still be led to either coat identical layers simultaneously in a wet-on-wet fashion, in accordance with Sekiguchi, or in sequential fashion after a flash period, in accordance with Nunomura.

Applicants respectfully submit that the rejection of claim 7 under 35 U.S.C. 103(a) as being unpatentable over Sekiguchi in view of JP 63101463 further in view of Cousin et al. as applied

above, and further in view of Rabasco is improper and withdrawal is respectfully requested.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sekiguchi in view of JP 63101463 in view of Cousin et al., and further in view of Malhotra et al.

Sekiguchi and JP 63101463 are applied as above. The refutation of this combination of references cited above applies equally here. In summary, the combination of Sekiguchi and JP 63101463 can only be made in hindsight and, even then, leads one away from a simultaneous wet-on-wet coating of different layers.

Malhotra et al. is cited as teaching the specific nitrogen containing polymers of claim 8. Malhotra et al. does not mitigate the deficiencies of Sekiguchi and Nunomura with which it is combined.

Even if Malhotra et al. were relied on one of skill in the art would still be led to either coat identical layers simultaneously in a wet-on-wet fashion, in accordance with Sekiguchi, or in sequential fashion after a flash period, in accordance with Nunomura.

Applicants respectfully submit that the rejection of claim 8 under 35 U.S.C. 103(a) as being unpatentable over Sekiguchi in view of JP 63101463 in view of Cousin et al., and further in view of Malhotra et al is improper and withdrawal is respectfully requested.

Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sekiguchi in view of JP 63101463, further in view of Van den Zegel.

Sekiguchi and JP 63101463 are refuted previously and the arguments apply here as well.

Van den Zegel is cited as teaching a slide-hopper or curtain coating technique. It is the position of the office that this somehow could be combined with the spray technique of Nunomura. Applicants respectfully submit that spray coating and curtain coating are such different techniques that one does not guide the other.

Assuming, *arguendo*, that one of skill in the art did attempt to combine the spray coating of Nunomura with the slide-hopper coating of Van den Zegel there is still no refutation of the requirement for a flash time. Sekiguchi and Van den Zegel

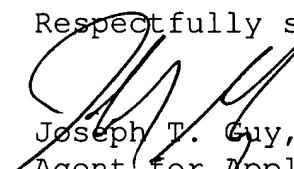
represent similar art yet there is no teaching of coating different layers simultaneously in a wet-on-wet fashion.

The combination of Sekiguchi, Nunomura and Van den Zegel teach away from the present invention. The rejection of claims 11 and 12 under 35 U.S.C. 103(a) based on this combination of references is therefore improper and withdrawal is respectfully requested.

CONCLUSIONS

Claims 1-9 and 11-12 are pending in the present application. All claims are in condition for allowance. Notice thereof is respectfully requested.

Respectfully submitted,


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